**IN THE HIGH COURT OF UTTARAKHAND**
**AT NAINITAL**

Writ Petition No. 222 (SS) of 2002
(Old No. 4948/1991)

Govind Singh, son of Sri Indra Singh, R/o Village – Barodi, Post – Koti, Rehabilitation Centre, Bhaniawala, District – Dehradun. ……..Deceased.

1. Sita Devi, W/o late Sri Govind Singh.
2. Man Virendra Singh S/o Govind Singh.
3. Vinod Singh, S/o Govind Singh.
4. Jaya Devi, D/o Govind Singh.
   All residents of Village – Barodi, Post – Koti, Bhaniawala, District – Dehradun.

**……Petitioners.**

Versus

1. Superintending Engineer, Baneri Bhali Bandh Nirman Mandal, Maneri, Uttarkashi.
2. Executive Engineer, Tehri Bandh, Khand – 4, Dehradun.
3. Executive Engineer, Tehri Bandh, Khand – 26, Hardwar.

**…….Respondents**

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Rajendra Dobhal, learned counsel for the petitioners and Sri H.M. Raturi, learned standing counsel for State of Uttarakhand on behalf of respondents.

Substitution application of legal heirs of late Sri Govind Singh has already been allowed and legal heirs of late Sri Govind Singh has been substituted in his place.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners have prayed for the following reliefs:

a. *Issue a writ, order or direction in the nature of Certiorari quashing the order dated 02.01.1988 passed by respondent*

*no. 3 and order dated 03.11.1990 received on 25.11.1990 passed by respondent no. 2.*

b. *Issue a writ order or direction in the nature of Mandamus directing the respondent no. 2 to reinstate the petitioner to his service and to pay his salary from the date of his termination and all other perks.*

c. *issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case to meet the ends of justice.*

d. *award the cost of the petition to the petitioner.*

Vide order dated 02.01.1988 passed by Executive Engineer, the services of Sri Govind Singh, who was initially appointed in the year 1980 as Runner Tehri Bandh Khand – 26, Haridwar, had been terminated.

The ground of termination of service of Sri Govind Singh was that he was habitual of being absent from duties and number of times he was found absent from duty.

Sri Govind Singh was expired on 15.06.1992. No further order is required to pass. Late Sri Govind Singh has not completed ten years regular service, as such, his legal heirs are not entitled for family pension. However, if any amount of provident fund or retirel benefit is due for payment, the same shall be paid by the respondents to the petitioners as early as possible.

With this direction, writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J)**

May 08, 2007
SKSharma